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By

Theodore Gottlieb

Attorney Docket: 2698/Meinke/PCT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Uwe ESCH, Gottfried DRIESCHNER

Examiner: UNASSIGNED

Serial No.: 09/331,705

Art Unit: UNASSIGNED

Filed: June 18, 1999

For: HYDRAULIC CIRCUIT FOR A HYDRAULIC EXCAVATOR

RECEIVED
11 JAN 2001

Legal Staff
Patent Dept.

Attention PCT LEGAL DEPT.

Assistant Commissioner For Patents
United States Patent and Trademark Office
Washington, D.C. 20231
BOX PCT

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

03/05/2001 LLANDGRA 00000141 501290 09331705

02 FC:241

620.00 CH

The above-referenced application became abandoned on February 18, 2000, for failure to respond to a Notice of Missing Requirements Under 35 U.S.C. 371, mailed on July 28, 1999. According to telephone conversations with PTO personnel, the date of abandonment is February 18, 2000. The Applicant hereby petitions for revival of this application, but points out that a Response to Notice of Missing Requirements Under 35 U.S.C. § 371 had in fact, been timely filed. See Reply section below.

Fee

Please charge the small entity fee of \$620.00 associated with this petition to Deposit Account No. 50-1290. The Commissioner is hereby authorized to charge any other fees to this account. However, as a response had already been timely, it is respectfully requested that the petition fee not be charged.

Reply

Enclosed with this petition, please find a copy of the response mailed on August 13, 1999, to the United States Patent and Trademark Office as required by the above referenced Notice of Missing

Requirements. Please note that this response included the information that the Notice deemed was missing.

Specifically, the citizenship of each inventor is now clearly indicated under the subheading "Staatsangehorigkeit." This is the German word for "citizenship." Please note that under this word is written "Germany," thus fully complying with the Notice.

Regrettably, our Response was either never received, or was mishandled and never placed in the correct file.

Terminal Disclaimer

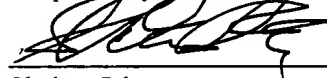
In light of the filing of this application occurred after June 8, 1995, no terminal disclaimer is required in this matter.

Statement

The undersigned believes and states that the entire delay in filing the necessary reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137 (b), was unintentional.

A detailed explanation for the delay is included on the attached sheet. The undersigned affirms that all of the information contained in the petition and accompanying explanation are true to the best of my knowledge.

Respectfully submitted,



Shahan Islam
Reg. No. 32,507

Jr. 11/17/00

November 8, 2000
Rosenman & Colin, LLP
575 Madison Avenue
New York, NY 10022-2585
(212) 940-6308

EXPLANATION FOR THE DELAY

The reasons for the delay in responding to the Notice of Missing Requirements are based on good faith errors unintentionally made during the period during which response was due.

The Notice specified that the German language Oath/Declaration was defective. Specifically, the citizenship of each inventor was not disclosed. It is possible that the page containing this information was not sent with the original application papers. As a result of this the U.S. Patent and Trademark Office sent us the Notice.

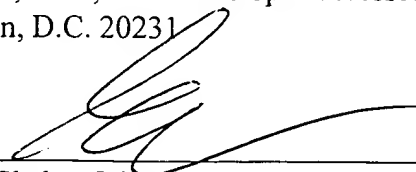
On August 13, 1999, I filed a Response To Notice of Missing Requirements Under 35 U.S.C. § 371. A copy of that document and its certificate of mailing are enclosed herein. The response accurately and completely supplied the information that the Notice claimed was missing. In the Response, I specifically pointed out the German word for "citizenship" and the country of citizenship, "Germany." This Response was fully compliant as sent, and should have been placed in the application file. However, it appears that this did not occur.

The ensuing delay was based on two facts. Above all, was the good-faith belief that the Response was compliant and received by the PTO. Having such a belief, it seemed a prudent and reasonable course of action to await the first Office Action on the merits.

During this time, the law firm of Friedman Siegelbaum with which I was associated dissolved. The various personnel went their own ways. The physical infrastructure was also dissolved, thus no organized docketing system was available to receive and forward Office Actions or Notices and the like. Therefore, any Notice of Abandonment received after the firm's dissolution was likely to have been mishandled. Accordingly, I did not learn of the abandonment until I recently telephoned the PTO to ascertain the status of the application.

Newt

I hereby certify that this correspondence is being deposited with the United States Postal Service, as first class, postage pre-paid, this 13th day of August, 1999, in an envelope addressed to: Box PCT, Assistant Commissioner of Patents, Washington, D.C. 20231


Shahan Islam

2698/Meinke/PCT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicant: Uwe Esch & Gottfried	:	
Drieschner :	:	
	:	
Serial No.: 09/331,705	:	Examiner: Unassigned
	:	
Filed: June 18, 1999	:	
	:	
For: HYDRAULIC CIRCUIT FOR	:	Group Art Unit: Unassigned
A HYDRAULIC EXCAVATOR :	:	
-----X		

RESPONSE TO NOTICE OF MISSING REQUIREMENTS UNDER 35 USC 371

Honorable Assistant Commissioner of
Patents
Washington, D.C. 20231
Box PCT

Sir:

This is in response to the Notification of Missing Requirements Under 35 U.S.C. 271 (Notification) in which it is asserted that the citizenship of each inventor is not identified. It is respectfully submitted that **this is not true as the citizenship (Staatsangehörigkeit) is indicated and circled for your benefit.** Staatsangehörigkeit means Citizenship in German. The inventors, being German, signed on the German part of the Declaration – something our German speaking clients have always done before, without a problem.

In view thereof, it is respectfully requested that the Notification be withdrawn and it is respectfully submitted that the requirements of Section 371 to enter the National Stage have been complied with.

The Commissioner is hereby authorized to deduct any fees under 37 CFR 1.492(e) or any other section from Deposit Account No. 06-0923. **However, it is submitted that no fees should be required as the requirements have been complied with as indicated above.**

Respectfully submitted
For applicant,



Shahan Islam
Reg. No. 32,507

SI/ag

Dated: August 13, 1999

FRIEDMAN SIEGELBAUM LLP
Seven Becker Farm Road
Roseland, NJ 07068
(973) 992-1990, Ext. 191

German Language Declaration

VERTRETUNGSVOLLMACHT: Als benannter Erfinder beauftrage rmit den nachstehend benannten Patentanwalt (ode die nachstehend benannten Patentanwälte) und/oder Patent-Agenten mit der Verfolgung der vorliegenden Patentanmeldung sowie mit der Abwicklung aller damit verbundenen Geschäfte vor dem Patent-und Warenzeichenamt:

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

Stanley I. Rosen, Reg. No. 19,441
 Richard I. Samuel, Reg. No. 24,435
 Shahan Islam, Reg. No. 32,507
 Theresa A. O'Rourke, Reg. No. 40,747
 Nicholas J. DuBois, Reg. No. 41,719

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 Shahan Islam

Direct Telephone Calls to:
 (973) 992-1990, Ext. 191

Postanschrift:

Send Correspondence to:
FRIEDMAN SIEGELBAUM
 Seven Becker Farm Road
 Roseland, New Jersey 07068-1757

Unterschrift des Erfinders

Datum

14.6 Juni, 1999

Voller Name des einzigen oder ursprünglichen Erfinders:
 Uwe Esch

Wohnsitz

Harnackstrasse 8

D-44139 Dortmund

Germany

Staatsangehörigkeit

Germany

Postanschrift

Inventor's Signature

Date

Full name of first or sole inventor

Residence

Citizenship

Post Office Address

Unterschrift des Erfinders

Datum

14. Juni, 1999

Voller Name des zweiten Miterfinders
 Gottfried Drieschner

Wohnsitz

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Germany

Staatsangehörigkeit

Germany

Inventor's Signature

Date

Full name of second joint inventor, if any

Residence

Citizenship